

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

DAVID GORDON FLEMING,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 05-93-B-S
)	
JEFFREY MERRILL, Warden,)	
Maine State Prison,)	
)	
Respondent.)	

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

No objections were filed to the Magistrate Judge's Recommended Decision (Docket No. 10) filed February 1, 2006. I have also reviewed the merits of the case independently. On both grounds, the Recommended Decision is AFFIRMED.

Accordingly, it is ORDERED the Motion to Dismiss (Docket No. 10) is GRANTED.

/s/ George Z. Singal _____
Chief United States District Judge

Dated this 23rd day of February, 2006.

DAVID GORDON FLEMING	represented by	DAVID GORDON FLEMING NEW HAMPSHIRE STATE PRISON BOX 14 CONCORD, NH 03301-0014 PRO SE
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V.

Defendant

**WARDEN, MAINE STATE
PRISON**

represented by **DONALD W. MACOMBER**
MAINE ATTORNEY
GENERAL'S OFFICE
STATE HOUSE STATION 6
AUGUSTA, ME 04333 **DIANE**
SLEEK
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